

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RITA V.,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00790

MARTIN J. O'MALLEY,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

On December 14, 2023, the Plaintiff filed her *Complaint* (Document 2) in this matter seeking review of the final decision of the Commissioner denying her application for Disability Insurance Benefits. Currently before the Court are *Plaintiff's Brief in Support of Complaint* (Document 7), the Defendant's *Brief in Support of Defendant's Decision* (Document 8), and *Plaintiff's Reply Brief* (Document 9).

By *Standing Order* (Document 3) entered on December 15, 2023, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 19, 2024, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 10) wherein it is recommended that this Court deny the Plaintiff's request to reverse the Commissioner's decision (Document 7), grant the Commissioner's request

to affirm his decision (Document 8), affirm the final decision of the Commissioner, and dismiss the action from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by December 3, 2024.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that district courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's request to reverse the Commissioner's decision (Document 7) be **DENIED**, the Commissioner's request to affirm his decision (Document 8) be **GRANTED**, the final decision of the Commissioner be **AFFIRMED**, and this matter be **DISMISSED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: December 12, 2024



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA